

CLOSED, ECF

**U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:09-cv-10032-PAE**

Iraqi Refugee Assistance Project v. United States Department of
State et al
Assigned to: Judge Paul A. Engelmayer
Cause: 05:552 Freedom of Information Act

Date Filed: 12/07/2009
Date Terminated: 05/15/2012
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

Iraqi Refugee Assistance Project

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TERMINATED: 11/02/2011

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Date Filed	#	Docket Text
12/07/2009	<u>1</u>	COMPLAINT against United States Department of State, United States Department of Homeland Security, United States Citizenship and Immigration Services. (Filing Fee \$ 350.00, Receipt Number 707953) Document filed by Iraqi Refugee Assistance Project.(ama) (Entered: 12/08/2009)
12/07/2009		SUMMONS ISSUED as to United States Department of State, United States Department of Homeland Security, United States Citizenship and Immigration Services. (ama) (Entered: 12/08/2009)
12/07/2009		Magistrate Judge Theodore H. Katz is so designated. (ama) (Entered: 12/08/2009)
12/07/2009		Case Designated ECF. (ama) (Entered: 12/08/2009)
12/07/2009	<u>2</u>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. No Corporate Parent. Document filed by Iraqi Refugee Assistance Project.(ama) (Entered: 12/08/2009)
12/11/2009	<u>3</u>	NOTICE OF CASE REASSIGNMENT to Judge William H. Pauley, III. Judge Laura Taylor Swain is no longer assigned to the case due to Judge's recusal. (ldi) (Entered: 12/14/2009)
12/28/2009	<u>4</u>	AFFIDAVIT OF SERVICE of Summons & Complaint served on the United States Department Of State, United States Department Of Homeland Security and United States Citizenship And Immigration Services By Michael Shannon on 12/8/09. Service was accepted by Aretha Charles, Civil Process Clerk. Service was made by personal service and registered mail as noted in the Affidavit. Document filed by Iraqi Refugee Assistance Project. (Hamid, Jyotin) (Entered: 12/28/2009)
12/31/2009	<u>5</u>	ORDER FOR INITIAL PRETRIAL CONFERENCE:... Initial Conference set for 3/12/2010 at 12:30 PM in Courtroom 11D, 500 Pearl Street, New York, NY 10007 before Judge William H. Pauley III. (Signed by Judge William H. Pauley, III on 12/29/2009) Copies Mailed By Chambers.(jpo) (Entered: 12/31/2009)
01/06/2010	<u>6</u>	ENDORSED LETTER: addressed to Judge William H. Pauley from Emily Daughtry dated 12/12/09 re: Counsel for defendant requests that the Government's time to file it's answer be extended from January 7, 2010, to Monday, February 8, 2010. ENDORSEMENT: Application Granted. So Ordered. (Signed by Judge William H. Pauley, III on 1/6/2010) (js) (Entered: 01/06/2010)
02/08/2010	<u>7</u>	ANSWER to Complaint. Document filed by United States Department of State, United States Department of Homeland Security, United States Citizenship and Immigration Services.(Onozawa, Tomoko) (Entered: 02/08/2010)
03/23/2010	<u>8</u>	SCHEDULING ORDER: The parties shall submit a joint letter to this Court summarizing the status of this matter by June 30, 2010. This Court will hold a status conference on August 6, 2010, at 10:00 a.m. (Signed by Judge William H. Pauley, III on 3/22/2010) (jfe) (Entered: 03/23/2010)
05/06/2010	<u>9</u>	STIPULATION AND ORDER REGARDING DOCUMENT SEARCHES AND PRODUCTION BY DEFENDANTS: NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and among Plaintiff and Defendants as follows: State will search for documents responsive only to the Plaintiff's Amended FOIA Request to State dated March 15, 2010, and annexed hereto as Exhibit A. DHS and USCIS will search for documents responsive only to Plaintiff's Amended FOIA Request to DHS and USCIS dated March 15, 2010, and annexed hereto as Exhibit B. Within 45 days of the date of entry of this Stipulation and Order, State will provide Plaintiff with a status report on its searching and processing of documents responsive to its search under Paragraph 1 above. (Signed by Judge William H. Pauley, III on 5/6/2010) (jfe) (Entered: 05/18/2010)
07/08/2010	<u>10</u>	ENDORSED LETTER addressed to Judge William H. Pauley from Tomoko Onozawa dated 7/2/2010 re: Requesting a three day extension until July 9, 2010, to comply with Paragraph 4 of Stipulation. ENDORSEMENT: Application granted. (Signed by Judge William H. Pauley, III on 7/8/2010) (jpo) (Entered: 07/09/2010)

07/15/2010	<u>11</u>	LETTER addressed to Judge William H. Pauley III from Tomoko Onozawa dated 6/30/2010 re: Pursuant to the Court's Order dated March 22, 2010, the parties respectfully submit this letter summarizing the status of the above-referenced Freedom of Information Act ("FOIA") action.. Document filed by United States Department of State, United States Department of Homeland Security, United States Citizenship and Immigration Services.(mbe) (Entered: 07/16/2010)
08/05/2010	<u>12</u>	NOTICE OF APPEARANCE by Daniel Post Filor on behalf of United States Citizenship and Immigration Services, United States Department of Homeland Security, United States Department of State (Filor, Daniel) (Entered: 08/05/2010)
08/16/2010	<u>13</u>	ENDORSED LETTER addressed to Judge William H. Pauley, III from Lauren M. Weiner dated 8/2/10 re: We propose rescheduling the status conference to the week of September 13 or September 20, 2010 with the exception of Monday mornings, or at a later time of the Court's convenience. ENDORSEMENT: Application granted. This Court will hold a conference on 9/17/10 at 10:30 a.m., (Status Conference set for 9/17/2010 at 10:30 AM before Judge William H. Pauley III.) (Signed by Judge William H. Pauley, III on 8/16/10) (rjm) (Entered: 08/17/2010)
09/20/2010	<u>14</u>	SCHEDULING ORDER: that a Status Conference set for 3/4/2011 at 10:00 AM before Judge William H. Pauley III. Status Report due by 2/25/2011. (Signed by Judge William H. Pauley, III on 9/17/10) (pl) Modified on 10/1/2010 (pl). (Entered: 09/20/2010)
09/20/2010	<u>15</u>	SECOND STIPULATION AND ORDER REGARDING DOCUMENT SEARCHES AND PRODUCTION BY DEFENDANTS: 1. No later than November 1, 2010: a. USCIS will produce its second and final tranche of responsive documents (excluding responsive documents referred to other agencies); and b. DHS will produce its second tranche of responsive documents. 2. No later than December 15, 2010: a. DHS will produce its third and final tranche of responsive documents (excluding responsive documents referred to other agencies); and b. State will produce its third tranche of responsive documents. 3. No later than February 15, 2011: a. State will produce its fourth tranche of responsive documents, which shall include any and all remaining responsive documents from the Department's Bureau of Population, Refugees and Migration ("PRM") (excluding responsive documents from PRM referred to other agencies); and b. DHS and users will provide Plaintiff with a status report on their responsive documents referred to other agencies. 4. No later than April 15, 2011: a. State will produce its fifth and final tranche of responsive documents (excluding responsive documents referred to other agencies); and b. To the extent that any responsive documents referred by DHS and users to other agencies remain unproduced, DHS and users will provide Plaintiff with a second status report on such documents. 5. No later than June 1, 2011, Defendants will provide Plaintiff with a status report on all responsive documents referred to other agencies that have not yet been produced. 6. By entering into this Stipulation and Order, Defendants do not concede that Plaintiff is entitled to prevailing party status under FOIA's fee-shifting provision, 5 USC § 552(a)(4)(E), and Plaintiff does not waive its right to apply for attorneys' fees and litigation costs. (Signed by Judge William H. Pauley, III on 9/17/10) (db) (Entered: 09/20/2010)
03/04/2011	<u>16</u>	SCHEDULING ORDER: The conference scheduled for March 4,2011 is adjourned to March 16, 2011, at 5:00 p.m. (Signed by Judge William H. Pauley, III on 3/3/2011) (jpo) (Entered: 03/04/2011)
03/16/2011		Minute Entry for proceedings held before Judge William H. Pauley, III: Pretrial Conference held on 3/16/2011. (mbe) (Entered: 04/26/2011)
03/18/2011	<u>17</u>	SCHEDULING ORDER: Counsel for all parties having appeared for a conference with this Court on March 16, 2011, the following schedule is established on consent: The parties shall submit a joint status report on this matter by June 17, 2011; This Court will hold a status conference on June 24, 2011, at 10:30 a.m. SO ORDERED Status Conference set for 6/24/2011 at 10:30 AM before Judge William H. Pauley III. Status Report due by 6/17/2011. (Signed by Judge William H. Pauley, III on 3/17/2011) (jmi) (Entered: 03/18/2011)
06/15/2011	<u>18</u>	NOTICE OF APPEARANCE by Michael J. Byars on behalf of United States Citizenship and Immigration Services, United States Department of Homeland

		Security, United States Department of State (Byars, Michael) (Entered: 06/15/2011)
06/17/2011	<u>19</u>	ENDORSED LETTER addressed to Judge William H. Pauley III from Michael J. Byars dated 6/14/2011 re: I write to update the Court regarding the status of the above-referenced action under the freedom of Information Act ("FOIA"), 5 U.S.C. 552, and respectfully to request, with plaintiff's consent an adjournment of the status conference currently scheduled for June 24, 2011. ENDORSEMENT: Application granted. The conference scheduled for June 24 is adjourned to July 22, 2011 at 10:00 a.m., (Status Conference set for 7/22/2011 at 10:00 AM before Judge William H. Pauley III.) (Signed by Judge William H. Pauley, III on 6/17/2011) (mbe) (Entered: 06/20/2011)
07/22/2011	<u>20</u>	ENDORSED LETTER addressed to Judge William H. Pauley from Michael J. Byars dated 7/15/11 re: The parties respectfully request that the July 22 status conference be adjourned to a date during the weeks of August 29 or September 6, 2011. ENDORSEMENT: Application granted. The conference scheduled for July 22 is adjourned to August 19, 2011, at 11:00a.m. (Status Conference set for 8/19/2011 at 11:00 AM before Judge William H. Pauley III) (Signed by Judge William H. Pauley, III on 7/22/11) (laq) (Entered: 07/25/2011)
08/08/2011	<u>21</u>	NOTICE OF APPEARANCE by Jared I. Kagan on behalf of Iraqui Refugee Assistance Project (Kagan, Jared) (Entered: 08/08/2011)
08/23/2011	<u>22</u>	ENDORSED LETTER addressed to Judge William H. Pauley, III from Michael J. Byars dated 8/12/2011 re: Counsel request a further adjournment of the 8/19/11 conference to permit the parties to make additional progress. ENDORSEMENT: Application granted. The conference scheduled for August 19 is adjourned to October 28, 2011, at 12:00 p.m. So Ordered. (Signed by Judge William H. Pauley, III on 8/23/2011) (jfe) (Entered: 08/23/2011)
10/03/2011	<u>23</u>	NOTICE OF CASE REASSIGNMENT to Judge Paul A. Engelmayer. Judge William H. Pauley, III is no longer assigned to the case. (sjo) (Entered: 10/03/2011)
10/11/2011	<u>24</u>	ORDER. As counsel may be aware, this case has been reassigned to my docket. All current deadlines and schedules ordered by Judge Pauley remain in effect, including the dates for the completion of discovery. The scheduled conference will now be held on Wednesday, October 26, 2011 at 5:00 p.m. in Courtroom 18C at the U.S. Courthouse, 500 Pearl Street, New York, New York 10007, and as further set forth. (Conference set for 10/26/2011 at 05:00 PM in Courtroom 18C, U.S. Courthouse, 500 Pearl Street, New York, NY 10007 before Judge Paul A. Engelmayer.) (Signed by Judge Paul A. Engelmayer on 10/11/11) (rjm) (Entered: 10/11/2011)
10/26/2011		Minute Entry for proceedings held before Judge Paul A. Engelmayer: Status Conference held on 10/26/2011. Counsel to submit status letter by 12/1/2011, letter should include whether a conference is necessary, if not, the letter should give a date for the next status letter. (js) (Entered: 10/27/2011)
11/02/2011	<u>25</u>	STIPULATION OF VOLUNTARY DISMISSAL OF DEFENDANTS UNITED STATES DEPARTMENT OF STATE AND UNITED STATES DEPARTMENT OF HOMELAND SECURITY: It is hereby stipulated and agreed by and between the parties and/or their respective counsel that the above-captioned action is voluntarily dismissed, with prejudice against the defendants United States Department of Homeland Security and United States Department of State pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure. This stipulation shall be without prejudice to Plaintiff's right to apply for costs and attorneys' fees or conferral of prevailing party status pursuant to the Freedom of Information Act. (Signed by Judge Paul A. Engelmayer on 11/2/2011) (ab) (Entered: 11/02/2011)
12/02/2011	<u>26</u>	ENDORSED LETTER addressed to Judge Paul A. Engelmayer from Michael J. Bryars dated 12/1/11 re: Counsel for the Government requests permission to provide a further update on 1/31/12 in lieu of the Court's scheduling a status conference at this time. ENDORSEMENT: The government is hereby instructed to submit a letter to the Court by January 31, 2012 regarding the status of the review of the documents that remain outstanding in this case. (Signed by Judge Paul A.

		Engelmayer on 12/2/2011) (mro) (Entered: 12/02/2011)
02/01/2012	<u>27</u>	ENDORSED LETTER addressed to Judge Paul A. Engelmayer from Daniel P. Filor and Michael J. Byars dated 1/31/2012 re: Joint request that the Government be permitted to provide a further update on 3/2/2012. ENDORSEMENT: The government is hereby directed to submit a letter to the Court by 3/2/2012 regarding the status of the review of the documents that remain outstanding in this case. (Signed by Judge Paul A. Engelmayer on 2/1/2012) (cd) (Entered: 02/01/2012)
03/07/2012	<u>28</u>	ENDORSED LETTER addressed to Judge Paul A. Engelmayer from Daniel P. Filor and Michael J. Byars dated 3/2/12 re: Counsel for the Government writes with a status of the remaining outstanding documents in this action. ENDORSEMENT: The parties are directed to submit a status letter by April 6, 2012, apprising the Court as to whether any disputes remain in this case. (Signed by Judge Paul A. Engelmayer on 3/7/2012) (mro) (Entered: 03/07/2012)
04/06/2012	<u>29</u>	ENDORSED LETTER addressed to Judge Paul A. Engelmayer from Daniel P. Filor and Michael J. Byars dated 4/4/2012 re: Counsel for the defendant writes to request that they be given until May 4, 2012, to report to the Court regarding the documents remaining outstanding. ENDORSEMENT: The government is directed to submit a status letter, regarding outstanding documents, by May 4, 2012. (Signed by Judge Paul A. Engelmayer on 4/5/2012) (ft) (Entered: 04/06/2012)
04/19/2012	<u>30</u>	STIPULATION OF VOLUNTARY DISMISSAL OF DEFENDANT UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES: It is hereby stipulated and agreed by and between the parties and/or their respective counsel(s) that the above-captioned action is voluntarily dismissed, against the defendant(s) United States Citizenship and Immigration Services, United States Department of Homeland Security, United States Department of State and without costs to either party pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure. (Signed by Judge Paul A. Engelmayer on 4/18/2012) (js) (Entered: 04/19/2012)